Clerk of the United States Bancruptcy Court for the Southern District of New York One Bowling Green New York

ObaltiUl7, the Lath December 2009

Bancruptcy case No: 08-1789 (BRL)

Claim No: 014717

Regarding: Opposition to the denial of Claim No. 014717

JAN -6 2010

Dear Sir or Madam,

regarding the determination of the above mentioned claim by Irving H. Picard, Esq., Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff, we believe that although not being mentioned in the books of Bernard L. Madoff Securities Investments LLC (BLMIS) as direct customer we should be viewed as customers.

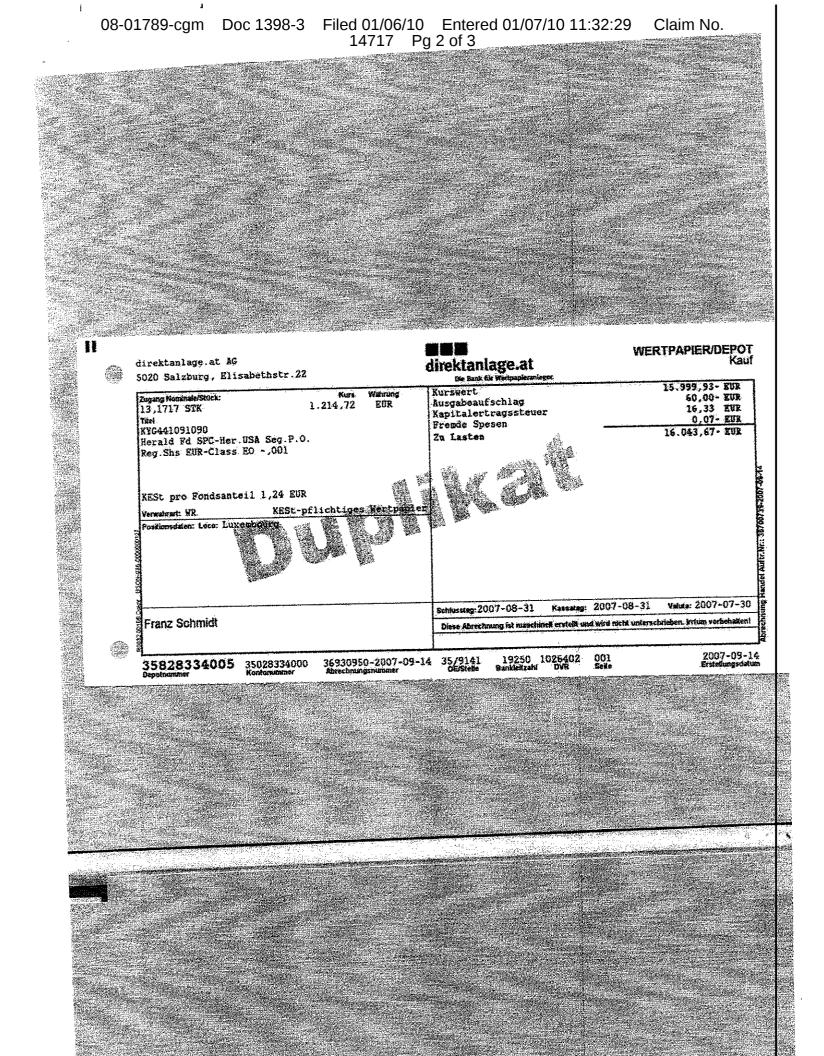
- The investment world since the inception of SIPA changed significantly; while formerly most investments were conducted via direct management of accounts, "state of the art" nowadays are investments via investment funds. So the purpose of the Securities and Investor Protection Act should be reviewed as a whole.
- As an investor in Herald Fund SPC I should be as well protected as an direct investors please find a copy of my Herald holdings enclosed.
- In the proceedings (ADV. Pro. No: 09-1359 (BRL)) against Herald Fund SPC and HSBC Securities Services (Luxembourg) S.A. the trustee demands more than USD 578,033,847,-. This amount not only contains redemption proceedings which the vast majority of shareholders of the fund never received but also tax payments which were made on behalf of shareholders and funded by their equity.
- In the proceedings (ADV. Pro. No: 09-1359 (BRL)) against Herald Fund SPC and HSBC Securities Services (Luxembourg) S.A. the trustee demands more than USD 578,033,847,- . In demanding this amount also from HSBC, the trustee claims money which the feeder funds i.e. their shareholders should be entitled too.

Because of these reasons, I oppose the denial of my claim and ask you to review my claim again and grant it.

Thank you in advance - yours faithfully

Franz Schmidt Sixtenstrasse 1/4

A-5162 Obertrum, Austria



Kurswert KUR

WERTPAPIERAUFSTELLUNG

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bermittein Innen kiermit ein Verzeichnis der für Sie verbuchten Werte. Wenn Sie binnen 6 Wochen ach Erhalt keine schriftlichen Einwendungen erheben, erklären Sie sich isser Aufstelung einverstanden. Für die Ermittung der Kursverte werden in der Regel die zum Stiehtag zuletzt verfligbaren Kurse jener Bärse, an der die jeweilige ion erworben wurde, herangezogen. Alle Kurse sind trotz sorgfättiger Ermittung ohne unsere Gewähr.

Diese maschinelle Aufstellung wird von der Bank nicht unterschrieben

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n vorbehalten!

geehrte Kundin, sehr geehrter Kunde. Die Bank für Wertpapleranleger. rektanlage.at

Franz Schmidt c/o Lintner Vermögensverw. GmbH Rudolfsplatz 1/15a 1010 Wien

Titel

AUFSTELLUNG per 31.12.2008

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